

In a development letter dated July 9, 2020, OWCP informed appellant that additional medical evidence was needed in support of her schedule award claim and afforded her 30 days to submit the necessary evidence.

Appellant provided an undated form report from Dr. Rishi Bhatnagar, an orthopedic surgeon, finding that she had reached maximum medical improvement (MMI). She also provided his treatment notes dated January 8, February 3, May 4, and June 1, 2020. Appellant submitted hospital records from her authorized December 20, 2019 right carpal tunnel release.

By decision dated March 25, 2021, OWCP denied appellant's schedule award claim, finding that the evidence of record was insufficient to establish permanent impairment of a scheduled member or function of the body due to her accepted employment injury.

On April 15, 2021 appellant requested a review of the written record from a representative of OWCP's Branch of Hearings and Review. She provided additional medical evidence, including a March 24, 2021 report from Dr. Robert Wilson, a Board-certified orthopedic surgeon, diagnosing bilateral carpal tunnel syndrome and carpometacarpal arthritis and providing a permanent impairment rating based on the sixth edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (A.M.A., *Guides*)<sup>1</sup> of 16 percent permanent impairment of the right upper extremity.

By decision dated September 8, 2021, OWCP's hearing representative reviewed the written record and affirmed the March 25, 2021 OWCP decision.

The Board has duly considered the matter and finds that the case is not in posture for decision and must be remanded to OWCP for further development. In the case of *William A. Couch*,<sup>2</sup> the Board held that when adjudicating a claim, OWCP is obligated to consider and address all evidence properly submitted by a claimant and received by OWCP before the final decision is issued.

In its September 8, 2021 decision, OWCP failed to review the March 24, 2021 report from Dr. Wilson.

As the Board's decisions are final as to the subject matter appealed, it is crucial that all evidence relevant to the subject matter of the claim properly submitted to OWCP be considered and addressed.<sup>3</sup> For this reason, the case will be remanded to OWCP to enable it to properly consider and address all the evidence submitted at the time of the September 8, 2021 decision. Following this and other such further development as OWCP deems necessary, it shall issue a *de novo* decision regarding appellant's schedule award claim. Accordingly,

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<sup>1</sup> A.M.A., *Guides*, 6<sup>th</sup> ed (2009).

<sup>2</sup> 41 ECAB 548 (1990); *F.A.*, Docket No. 20-1324 (issued March 1, 2021); *T.G.*, Docket No. 19-1930 (issued January 8, 2021).

<sup>3</sup> See *G.A.*, Docket No. 19-1080 (issued January 2, 2020); *T.J.*, Docket No. 14-1854 (issued February 3, 2015); *J.J.*, Docket No. 12-1062 (issued December 12, 2012); *William McKennon*, 51 ECAB 145 (1999); *Linda Johnson*, 45 ECAB 439 (1994). See also *C.S.*, Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis*, 55 ECAB 475 (2004); *William A. Couch*, *supra* note 2.

**IT IS HEREBY ORDERED THAT** the September 8, 2021 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: May 16, 2022  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board